

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figs. 12, 13A-13B, and 16-18 as described below. The attached sheets 12/18, 13/18, 15/18, and 16/18 replace the corresponding original sheets.

Sheet 12/18, including Fig. 12, has been amended to remove reference numerals 71a-c and 72a-d from Fig. 12;

Sheet 13/18, including Figs. 13A and 13B, has been amended to remove reference numeral 84 from Figs. 13A and 13B and to change the depiction of drive unit 80 in Figs. 13A and 13B by removing reference numerals 82-83 and 85-86 and the corresponding structures;

Sheet 15/18, including Figs. 16 and 17, has been amended to remove reference numerals 71a-c and 72a-d from Fig. 16, to remove reference numerals 120-121 and 125 from Fig. 17, and to remove reference numerals 123-124 and 126 and the corresponding structures from Fig. 17; and

Sheet 16/18, including Figs. 18 and 19, has been amended to remove reference numerals 130-131 and 135 from Fig. 18, and to remove reference numerals 133-134 and 136 and the corresponding structures from Fig. 18.

Attachments: Replacement Sheets 12/18, 13/18, 15/18, and 16/18.

REMARKS

Claims 1-27 are currently pending in this application, as amended.

Figs. 12 and 16 have been amended to remove reference numerals 71a-c and 72a-d therefrom. Figs. 13A and 13B have been amended to remove reference numeral 84 therefrom. Figs. 13A and 13B have further been amended to remove reference numerals 82-83 and 85-86, and the corresponding structures therefrom. Fig. 17 has been amended to remove reference numerals 120-121 and 125 therefrom. Fig. 17 has further been amended to remove reference numerals 123-124 and 126 and the corresponding structures therefrom. Fig. 18 has been amended to remove reference numerals 130-131 and 135 therefrom. Fig. 18 has further been amended to remove reference numerals 133-134 and 136 and the corresponding structures therefrom. All of the present amendments remove reference numerals and structure previously added by amendment on November 4, 2009. Accordingly, no new matter has been added by the amendments to the figures, and entry of the amendments to the figures is respectfully requested.

Paragraphs previously inserted by the amendment filed on November 4, 2009 between [0072] and [0073], between paragraphs [0073] and [0074], after paragraph [0081] have been amended to conform the detailed description to the drawing amendments described above. Accordingly, no new matter has been added by the amendments to the Specification, and entry of the amendments is respectfully requested.

Claims 24-26 have previously been withdrawn by the Examiner for being directed to a non-elected invention. Claim 19 has been amended to correct an obvious typographical error. Claim 24 has been amended to depend from claim 2, and to conform the language of the claim based on this new dependency. Accordingly, no new matter has been added by the amendments to the claims, and entry of such amendments is respectfully requested.

Restriction Requirement

The Examiner has maintained restriction of claims 24-26. While Applicant respectfully disagrees with the Examiner, claim 24 has been amended to depend from allowable claim 2. Claims 24-26 are now no longer directed to a separate embodiment and are dependent from

allowable base claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the restriction requirement and rejoinder of claims 24-26.

New Matter Objections

The Examiner has objected to the added specification paragraphs 5, 6, 9, and 10 from the November 4, 2009 Amendment, and the corresponding drawings, as including new matter.

Applicant's response to each objection is described in detail below.

Regarding paragraph number 5 (added between paragraphs [0072] and [0073] of the Substitute Specification), the Examiner objects to the inclusion of cogwheels, friction wheels, bearings, and related linking descriptive matter. Applicant respectfully disagrees with the Examiner's characterization of such features as new matter. However, solely for the purpose of advancing the prosecution, the reference numerals 71a-c and 72a-d have been removed from Figs. 12 and 16, and the corresponding description of such features has been deleted from the above-described paragraph. Applicant therefore respectfully requests reconsideration and withdrawal of the objection to Figs. 12 and 16 and paragraph number 5.

Regarding paragraph number 6 (added between paragraphs [0073] and [0074] of the Substitute Specification), the Examiner objects to the inclusion of gear racks, cogwheels, belt drives, and other non-supported features. Applicant respectfully disagrees with the Examiner's characterization of such features as new matter. However, solely for the purposes of advancing the prosecution, reference numeral 84 has been removed from Figs. 13A and 13B. Further, reference numerals 82-83 and 85-86, and the corresponding structures have been removed from the drive unit 80 in Figs. 13A and 13B. The corresponding description of such features has also been deleted from the above-described paragraph. Applicant therefore respectfully requests reconsideration and withdrawal of the objection to Figs. 13A-13B and paragraph number 6.

Regarding paragraph number 9 (added between paragraphs [0080] and [0081] of the Substitute Specification), the Examiner objects to the inclusion of microtiter plates having a plurality of depressions. Applicant respectfully disagrees with the Examiner's characterization of such features as new matter and traverses the objection. Paragraph [0068] of the Substitute

Specification, in conjunction with Figs. 1A-1B, describes that containers 9 may have a plurality of depressions 10. Paragraphs [0020] and [0045] of the Substitute Specification disclose that the containers 9 are preferably microtiter plates. Therefore, the structure of microtiter plates having a plurality of depressions is well supported by the original disclosure. Applicant therefore respectfully requests reconsideration and withdrawal of the objection to Fig. 14 and paragraph number 9.

Regarding paragraph number 10 (paragraphs added after paragraph [0081] of the Substitute Specification), the Examiner objects to the inclusion of guide rails, discussion of a driving rod, and the use of the processor as a common control. Applicant respectfully disagrees with the Examiner's characterization of such features as new matter. However, with respect to the guide rails and the driving rod, solely for the purpose of advancing the prosecution, the reference numerals 120-121 and 125 have been removed from Fig. 17, and reference numerals 123-124 and 126 and the corresponding structures have also been removed from Fig. 17. Reference numerals 130-131 and 135 have been removed from Fig. 18, and reference numerals 133-134 and 136 and the corresponding structures have also been removed from Fig. 18. The corresponding description of each of these features has further been deleted from the corresponding paragraphs.

With respect to the processor as common control, Applicant respectfully traverses the Examiner's objection. Paragraph [0046] of the Substitute Specification discloses that a program controlled processor may be associated with the device, and that as a result, device functions may be controlled and/or combined. Paragraph [0048] also provides a list of means that are coordinated with device functions by a joint control. One of ordinary skill in the art would understand that the program controlled processor, which already performs device functions, could also serve as the joint control. Therefore, the use of the program controlled processor as the common control is well supported by the original disclosure. Applicant therefore respectfully requests reconsideration and withdrawal of the objection to paragraph number 10 and the associated drawings.

Claim Objection

The Examiner has objected to claim 19 because "the at least holder" presents an improper antecedent basis to claim 18's "at least one holder." Applicant wishes to thank the Examiner for pointing out this obvious typographical error. Claim 19 has been amended to correct the error. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to claim 19.

CONCLUSION

In view of the foregoing Amendment and Remarks, Applicant respectfully submits that the present application, including claims 1-27, is in condition for allowance and such action is respectfully requested.

Dated: March 1, 2010

Respectfully submitted,

By _____

Stephen E. Murray

Registration No.: 63,206

PANITCH SCHWARZE BELISARIO & NADEL LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, Pennsylvania 19103

(215) 965-1307

(215) 965-1331 (Fax)

smurray@panitchlaw.com (E-Mail)

WWS/SEM
194602